

THE HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.3606 of 2007

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Dated:26.02.2007

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Between:

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Desiraju Venkata Ramana Babu.

...Petitioner

and

The Assistant Commissioner of Endowments, and others.

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

-
WRIT PETITION No.3606 of 2007

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ORDER:

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The petitioner is a resident of Bapatla in Guntur District. He is a devotee of Sri Anjaneya Swamy, and regularly visits Sri Suvarchala Sametha Sri Anjaneya Swamy Temple in Bapatla, which is a religious institution classified under Section 6(c) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'). He also alleges that he regularly donates amounts to the said Temple on the occasion of festivals, and therefore, he is a person interested as defined under Section 2(18) of the Act.

The first respondent herein issued a notice on 13.10.2006 (in para 6 of the writ affidavit the petitioner states that notice is dated 13.06.2006, which is obviously a mistake) inviting applications from the qualified persons for being appointed as Members of Board of Trustees of the Temple. Subsequently, by an order dated 04.01.2007, the first respondent appointed respondents 3 to 7 herein as non-hereditary trustees of the Trust Board for a period of two years. Aggrieved by the said order, the present Writ Petition is filed.

Learned Counsel for the petitioner raised only one contention. He submits that as per Form-I read with Rule 4 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Appointment of Trustees Rules, 1987 (for short 'the Rules'), a minimum period of twenty days time has to be granted for making

applications, and as the first respondent granted only fifteen days time in the notice dated 13.10.2006, the appointment of respondents 3 to 7 is vitiated by illegality.

In **Dr.Arvind Kumar Ganeriwal v. The Deputy Commissioner of Endowments, Hyderabad**^[1] this Court took a view that grant of fifteen days time for making applications for appointment as Trustees, would not be in conformity with Rule 4(1) of the Rules, and therefore unsustainable. Indeed, the language of Rule 4(1) of the Rules read with Form-I makes it clear that prior to amendment, as per Form-I a period of fifteen days from the date of notice was required to be given. However, by G.O.Ms.No.9, dated 08.01.1990, the Form was amended substituting “twenty days” for “fifteen days”. In a couple of cases decided by me, I also followed the ratio in **Dr.Arvind Kumar Ganeriwal v. The Deputy Commissioner of Endowments, Hyderabad** (supra). In this case, however, the issue is slightly different.

The notice was issued in Form-I by the first respondent on 13.10.2006. Thereafter, after receiving the applications, as seen from the impugned order, they were referred to the Inspector of Endowments, presumably, for the antecedents enquiry as required under Rule 6(1) of the Rules. The Inspector submitted a report on 30.11.2006. After considering the same, the first respondent issued the impugned order appointing respondents 3 to 7 as Trustees. Further, as seen from the impugned order, the first respondent authorized the Inspector of Endowments to convene a special meeting of the Trustees on 17.01.2007 for election of Chairman of the Trust Board under Section 20 of the Act, and also obtained affidavits under Section 19(2) of the Act (evidence of taking oath). The petitioner claims to be a frequent visitor of the Temple and an active participant in the Temple festivals. As required under Rule 4(1) of the Rules, every notice in Form-I has to be affixed to the Door of the Temple, in which case, it would not have missed the attention of the petitioner. The petitioner, for reasons which are not explained, waits till the appointment is made, and one month thereafter, files the Writ Petition seeking invalidation of the impugned order. As per the impugned order, the oath was administered on 17.01.2007, and respondents 3 to 7 are already discharging the functions as Trustees. Therefore, though the point raised by the petitioner is well taken, this Court, in exercise of its discretion, is not inclined to grant any relief to the petitioner as this Court is of considered opinion that there is something in the case, which does not meet the eye.

The Writ Petition is accordingly dismissed. No costs.

(V.V.S.RAO, J)

26.02.2007

vs

[\[1\]](#) An unreported judgment dated 04.01.2006 in W.P.No.7070 of 2005.